

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7239

BILL NUMBER: HB 1395

NOTE PREPARED: Dec 30, 2004

BILL AMENDED:

SUBJECT: Booster Seats in Motor Vehicles.

FIRST AUTHOR: Rep. Stutzman

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill removes a provision requiring a child at least four and less than eight years of age to be restrained by a child restraint system. It makes it a Class D infraction if a child less than eight years of age is not restrained by a child restraint system or a safety belt.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues: There are no data available to indicate how many fewer convictions there would be because a child between the ages of four and eight can be fastened and restrained by a safety belt or a child restraint system (instead of only a child restraint system), or if the age for a child who will not fit into a child restraint system and must be fastened in a child restraint system or safety belt is reduced from eight years old to four years old.

The penalty for both of these offenses is a Class D infraction. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class D infraction is \$25, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Between 1999 and 2003, there was an average of 4,300 citations for child restraint violations, with 4,293 found guilty.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.